

REMARKS

Applicant proposes to cancel independent claim 51 and claims 52 through 57 depending therefrom. The remaining claims are not amended herein. Claim 1 is an independent system claim, with claims 2 through 7, 9 through 12, 22, 24, and 26 depending therefrom. Claim 27 is an independent method claim, with claims 28 through 33, 35, and 36 depending therefrom.

Independent claims 1 and 27 stand rejected under §103(a) as obvious over Moskowitz '002 in view of Holda-Fleck '693, as set forth in section 2 of the Office Action. Applicant notes that the Examiner's identification of Moskowitz as "U.S. 2003/0164979" appears to be a typographical error, and that the correct Moskowitz reference is U.S. Patent No. 6,938,002, as cited in the previous Office Action. The U.S. '979 publication is not a Moskowitz application, and does not appear to relate to the rejection set forth by the Examiner. Applicant respectfully submits that independent claims 1 and 27 patentably distinguish over the cited combination of references, as set forth below.

As a first matter, applicant respectfully submits that the subject matter of Moskowitz '002 and Holda-Fleck '693 are so fundamentally different that one skilled in the art would have no motivation or logical reason to modify the method and system of Moskowitz '002 with the system of Holda-Fleck '693. As a second matter, applicant respectfully submits that, even if the combination suggested by the Examiner of the two references were to be made, the resulting configuration is still not in accordance with independent claims 1 and 27, as explained more fully below.

The system and method of Moskowitz '002 are concerned with enticing a customer to fill out and complete a product evaluation form. Part of the enticement may

be a reward or "rebate" in the form of cash or non-cash value. It is important to understand that this reward is not a manufacturer's rebate that attaches automatically to the purchase of a product. The reward is conditional upon the customer actually completing an evaluation form. The customer is not entitled to any type of rebate or reward simply because they purchase the product. Thus, there is no reason in the Moskowitz '002 system and methodology for a computer to process and validate a manufacturer's rebate claim that is dependent solely on purchase of the product with information related to the rebate. Such a rebate is simply not a concern or a component of the system and methodology of Moskowitz '002. For example, there is no reason or motivation in Moskowitz '002 to check a database to even see if a rebate attaches to a product. There is no reason or motivation to inform a purchasing customer of the status of any manufacturer's rebate claim, and so forth. As emphasized above, with the system and methodology of Moskowitz '002, the "rebate" is an automatic reward to entice a customer to complete an evaluation form. The rebate is triggered automatically if the customer completes the form, and there is no reason to incorporate in the Moskowitz '002 system any independent rebate system wherein a manufacturer's rebate claim is made, rebate claim information is gathered, processed, and validated, and wherein claim status information is conveyed back to a different computer to be presented to the customer.

In addition, the proposed modification of Moskowitz '002 with the teachings of Holda-Fleck '693 would not result in the system of claim 1 and method of claim 27. As acknowledged by the Examiner, Moskowitz '002 does not include the configuration of a first computer in communication with an electronic reading device to retrieve product-

identification-information stored in an electronic tag associated with a product being purchased, with the first computer configured to use the information to acquire rebate-claim-information. The system of Moskowitz '002 does not include a first computer configured to communicate with a second computer so as to transfer to the second computer the rebate-claim-information substantially contemporaneous with the purchase, wherein the second computer is configured to process and validate a rebate claim with the information, and to transfer the rebate claim status information to the first computer, which communicates the information to the customer. The Examiner proposes that Holda-Fleck '693 discloses the first and second computer configurations, and that it would be obvious for one of ordinary skill in the art to modify the system of Moskowitz '002 with the computer configuration of Holda-Fleck '693.

With the system of Holda-Fleck '693, a first computer database is used to verify the validity of a product code that is input into the system via a telephone by the consumer. This computer is not in communication with any type of electronic reading device to retrieve product information stored in an electronic tag associated with the product. With the system of Holda-Fleck '693, the first computer determines if a rebate actually exists for the product by referencing the product code to a particular manufacturer of the product to see if a rebate exists. If the product code is verified, the purchaser is then prompted to enter a serial number that is unique to the particular product being purchased. A second computer is used to verify the serial number by referencing the serial number with a database to determine if the particular product has already been presented for a rebate. If the product has been presented, the telephone call with the consumer is terminated. If the product code and the serial codes are

verified, the consumer is credited with the rebate amount corresponding to the product code.

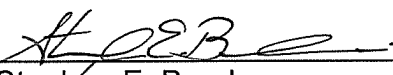
It should thus be appreciated that the first and second computers in the configuration of Holda-Fleck '693 are simply used to perform separate processing or validation steps related to the product code and serial number, respectively. The second computer does not process and validate the serial number of a particular product with any type of information that is communicated to the second computer by the first computer, with the first computer acquiring the information from an electronic reading device. Both of the computers in the Holda-Fleck system process the product code or serial number that is input into the computer by the consumer via a telephone line. In addition, the second computer does not transfer the status or information from its serial number verification process back to the computer that verified the product code, with the first computer then communicating the information back to the customer. Accordingly, even if one skilled in the art desired to modify the system of Moskowitz '002 to include the manufacturer's rebate claim system of Holda-Fleck '693, the resulting system would not be in accordance with the methodology of claim 27, or system of claim 1.

Accordingly, with the present amendment to cancel claims 51 through 57, applicant respectfully submits that all of the remaining claims (unamended herein) patentably distinguish over the cited combination of references, and are allowable. It is respectfully submitted that the application is in condition for allowance, and favorable action thereon is respectfully requested.

The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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